

## REMARKS / ARGUMENTS

Claims 1-29 are pending in the application. Claims 16-23 have been withdrawn from consideration. In the Office Action the Examiner allowed Claims 6-9 and 27-29, rejected Claims 1-3, 5, 10-13 and 24 and objected to Claims 4, 14, 15, 25 and 26.

### Claim Rejections – 35 USC §102

In the first paragraph of the Office Action the Examiner rejected Claims 1-3, 5, 10-13 and 24 under 35 USC §102(b) as being anticipated by US patent 5,584,231 (DeLeon).

The Applicants have amended Claim 1 to overcome the rejection. Specifically, the Applicants have amended Claim 1 to include language specifying that the first tray is rotatably coupled to the support so that the tray can be located in a position below the first heating member when said first tray is in a closed position and the first tray can be located not below said first heating member when said first tray is in an open position. This is entirely different from the DeLeon reference because, for example, the De Leon device does not teach or suggest rotation of his food support screens 100.

Claims 2-3 and 5 depend from Claim 1 and therefore are patentable at least for the same reasons as Claim 1.

The Applicants have amended Claim 10 to overcome the rejection. Specifically, Applicants have added language to the claim to require that the two heating members are connected to each other so that the spacing between them cannot be altered. This is directly contrary to the teachings of DeLeon which provide for variability of the spacing of the adjustable heating plates 174. (See e.g. Col. 6 line 59 to Col. 7, line 6)

Claims 1-13 depend from Claim 10 and therefore are patentable at least for the

same reasons as Claim 10.

Turning to Claim 24, Applicants respectfully disagree with the Examiner's rejection. The claim is not anticipated by DeLeon for at least the following reasons. The claim includes means to allow a user to place a food item on each heating plate. In contrast, in the DeLeon device a user does not place food items on his heating plates 174 or 190 because food support screens 100 and 124 are interposed between the food and the heating plates. This can be seen in Figure 13, for example. Another reason why Applicants' claim 24 is not anticipated by DeLeon is that the claim includes means to compress the heating plates against the food items between them. On the other hand, DeLeon does not teach or suggest a comparable means, and because food support screens 100 and 124 are interposed between the food and the heating plates DeLeon does not suggest compressing his heating plates against food items.

#### Allowable Subject Matter

The Examiner stated that Claims 4, 14, 15, 25 and 26 are objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have so amended claims 4, 14, and 15 and now believe them to be allowable.

#### New Claims

Applicants have added new Claim 30, which is dependent from Claim 1, and Claim 31 which is dependent from Claim 30. Basis for these new claims can be found, e.g. at Figures 3-6 and paragraphs [32] – [37] .

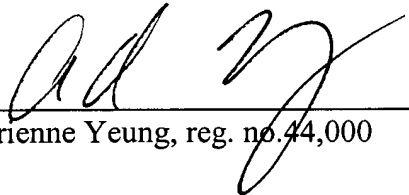
Summary

In view of the foregoing, early consideration and allowance of this application are earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,  
THELEN REID & PRIEST LLP

Dated: June 20, 2005

  
\_\_\_\_\_  
Adrienne Yeung, reg. no. 44,000

THELEN REID & PRIEST LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Tel: (408) 292-5800  
Fax: (408) 287-8040